

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CR 19-4446 KWR

HARRISON DAVIS,

Defendant,

**ORDER CONTINUING TRIAL**  
**AND PRETRIAL DEADLINES**

**THIS MATTER** is before the Court in conjunction with the Superseding Administrative Order 20-MC-00004-49 entered on December 21, 2020 by Chief Judge William P. Johnson.

Due to the Court's reduced ability to obtain an adequate spectrum of jurors and the effect of the public health recommendations on the availability of counsel and Court staff to be present in the courtroom, the time period of the continuances implemented by this Order shall be excluded under the Speedy Trial Act. The Court finds that the ends of justice served by ordering the continuances of all criminal jury trials outweigh each defendant's right to and the public's interest in speedy indictment or trial. Therefore, the time period of the continuances implemented by this Order will be excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A).

**IT IS THEREFORE ORDERED** that the Jury Selection/Trial of January 11, 2021 is VACATED. Call of the Calendar is reset for **February 11, 2021, at 9:00 a.m.** and Jury Selection/Trial is reset for **February 16, 2021, at 9:00 a.m.**, on a trailing docket at the United States Courthouse, 333 Lomas Blvd., NW, Bonito Courtroom, before Judge Kea W. Riggs in Albuquerque, New Mexico.

**IT IS FURTHER ORDERED** that the substantive motion deadline is hereby extended until **January 4, 2021**.

**IT IS FURTHER ORDERED** that, so as to conserve judicial resources, any motion to continue trial must be filed no later than **February 1, 2021**.

**IT IS FURTHER ORDERED** that pursuant to 18 U.S.C. §3161(h)(7)(A), the Court finds that the ends of justice served by granting the unopposed motion for continuance outweigh the best interest of the public and the defendant in a speedy trial.

**IT IS FINALLY ORDERED** that counsel shall adhere to the instructions and case management deadlines as set forth in the following attachment, "Preparation for Criminal Trial" (includes guidelines for preparation of proposed jury instructions, JERS Informational Letter, and JERS Attorney Guide).



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KEA W. RIGGS  
United States District Judge

**PLEASE REFER TO THE FOLLOWING  
ATTACHMENTS FOR ADDITIONAL DEADLINES AND INFORMATION:**

“Preparation for Criminal Trial” (includes guidelines for preparation of proposed jury instructions, JERS Informational Letter, and JERS Attorney Guide).

**OTHER INSTRUCTIONS/MOTION TO CONTINUE TRIAL DEADLINE:**

Motions for continuance in criminal cases must be filed in accordance with 18 U.S.C. § 3161(h)(7)(A), specifically setting forth the factual grounds justifying the continuance under the statute. In cases involving multiple defendants, counsel must file a joint motion for continuance with all counsel approving said motion. **MOTIONS TO CONTINUE MUST COMPLY WITH THE SPECIFIC REQUIREMENTS SET FORTH IN *UNITED STATES V. TOOMBS*, 574 F.3D 1262 (10TH CIR. 2009). THE MOTION “MUST CONTAIN AN EXPLANATION OF WHY THE MERE OCCURRENCE OF THE EVENT IDENTIFIED BY THE PARTY AS NECESSITATING THE CONTINUANCE RESULTS IN THE NEED FOR ADDITIONAL TIME.” *ID.* AT 1271. MOTIONS CONTAINING SHORT, CONCLUSORY STATEMENTS REGARDING THE REASON A CONTINUANCE IS REQUESTED ARE INSUFFICIENT UNDER *TOOMBS* AND WILL BE SUMMARILY DENIED BY THE COURT.**

**TRAILING TRIAL DOCKET:**

Counsel are referred to the trailing docket of cases as they appear for jury/selection trial on the Public Court Calendar for January 2021. The order in which cases appear on the Court Calendar does not necessarily reflect the order in which cases will be tried.